

CLERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA FILED
NOV 08 2006
JOHN F. CORCORAN, CLERK BY: <i>J. F. Corcoran</i> DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CURTIS LYNN MORGAN,)
Petitioner,) Case No. 7:05-cv-00636
) Case No. 7:03-cr-00084
)
v.)
)
UNITED STATES OF AMERICA,)
Respondent.) By: Hon. James C. Turk
) Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

1. Petitioner's motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, shall be and hereby is **GRANTED** as to his claim that counsel's action deprived him of his right to appeal petitioner's sentence imposed on October 14, 2004, in Case No. 7:03-cr-00084;
2. The clerk **SHALL** prepare a new Judgment in Case No. 7:03-cr-00084, in every respect the same as the previous Judgment except as to date of entry;
3. Upon entry of the new Judgment, the Judgment signed on October 18, 2004, and entered on October 19, 2004, shall be **VACATED**;
4. Paul Graham Beers, Esq., appointed by the court to represent the petitioner in this habeas action, **SHALL** file a Notice of Appeal on the petitioner's behalf and petitioner may pursue a motion in the Court of Appeals for appointment of counsel to assist him with the appeal; and
5. The clerk **SHALL** close this § 2255 case, nothing further remaining to be done herein, but shall docket this order and the accompanying memorandum opinion in Case No. 7:03-cr-00084.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to petitioner and to counsel of record for the parties.

ENTER: This 8th day of November, 2006.

James C. Turk

Senior United States District Judge